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JESSE J. GARCIA (CSBN 061223)
AUSTIN M. THOMPSON
Counsel for
JOHN DENN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	Case no. CV 08-3346 MEJ
Plaintiff,)	
)	
vs.)	ANSWER TO COMPLAINT
1. APPROXIMATELY \$17,5872)	FOR FORFEITURE
IN UNITED STATES CURRENCY;)	
)	
2. 2003 CHEVROLET CORVETTE Z 206,)	
VIN #19ZWS31AWR000879,)	
CALIFORNIA LICENSE #5AIE270;)	
)	
3. 1998 ULTRA CUSTOM)	
MOTORCYCLE,)	
VIN #19ZWS31AWR000879,)	
CALIFORNIA LICENSE #17B9838;)	
)	
4. 2005 HONDA CBR 1000)	
MOTORCYCLE,)	
VIN #JH2SC57185M100611,)	
CALIFORNIA LICENSE #17R3273;)	
)	
5. 2006 YAMAHA YZR R1)	

MOTORCYCLE,)
VIN #JYARN15Y06A0026,)
CALIFORNIA LICENSE #18J0411;)
)
6. APPROXIMATELY \$21,332.72 IN)
FUNDS SEIZED FROM BANK OF)
AMERICA ACCOUNT #*****4508;)
)
7. APPROXIMATELY \$2,604.93 IN)
FUNDS SEIZED FROM BANK OF)
AMERICA ACCOUNT #*****6940;)
)
8. APPROXIMATELY \$6,706.00 IN)
FUNDS SEIZED FROM BANK OF)
AMERICA ACCOUNT #*****6897;)
)
9. APPROXIMATELY \$12,036.40 IN)
FUNDS SEIZED FROM BANK OF)
AMERICA ACCOUNT #*****6910;)
)
10. APPROXIMATELY \$7,871.00 IN)
UNITED STATES CURRENCY;)
)
11. 2006 HONDA CBR 100RR)
MOTORCYCLE)
VIN #JH2SC57166M200952,)
LIC #18F7883.))
Defendants.)
)
<hr/> JOHN DENN,)
)
Claimant.)
<hr/>)

ANSWER TO COMPLAINT FOR FORFEITURE

Comes now Claimant and respectfully alleges:

I

Claimant denies the allegation set forth in Paragraph 1.

II

Claimant admits the allegation set forth in Paragraph 2.

III

Claimant admits the allegation set forth in Paragraph 3, insofar as it asserts that defendant property was seized by law enforcement officials and that the United States of America is the Plaintiff. Claimant denies any implied allegation that the property is subject to forfeiture.

IV

Claimant denies the allegations set forth in Paragraph 4.

V

Claimant denies the allegation set forth in Paragraph 5.

VI

Claimant denies the allegations set forth in Paragraph 6.

VII

Claimant denies the allegations set forth in Paragraph 7.

VIII

Claimant denies the allegations set forth in Paragraph 8.

IX.

Claimant denies the allegations set forth in Paragraph 9.

X.

Claimant denies the allegations set forth in Paragraph 10.

XI.

Claimant denies the allegations set forth in Paragraph 11.

XII.

Claimant denies the allegations set forth in Paragraph 12.

XIII.

Claimant denies the allegations set forth in Paragraph 13.

XIV.

Claimant denies the allegations set forth in Paragraph 14.

XV.

Claimant denies the allegations set forth in Paragraph 15.

XVI.

Claimant denies the allegations set forth in Paragraph 16.

XVII.

Claimant denies the allegations set forth in Paragraph 17.

XVIII.

Claimant denies the allegations set forth in Paragraph 18.

XIX.

Claimant denies the allegations set forth in Paragraph 19.

XX.

Claimant denies the allegations set forth in Paragraph 20.

XXI.

Claimant denies the allegations set forth in Paragraph 21.

XXII

Claimant denies the allegations set forth in Paragraph 22.

XXIII.

Claimant denies the allegations set forth in Paragraph 23.

XXIV.

Claimant denies the allegations set forth in Paragraph 24.

XXV.

Claimant denies the allegations set forth in Paragraph 25.

XXVI.

Claimant denies the allegations set forth in Paragraph 26.

XXVII.

Claimant admits the statement of law set forth in Paragraph 27, but denies its applicability to defendant property.

XXVIII.

Claimant denies the allegations set forth in paragraph 28.

XX

By way of defense Claimant respectfully alleges:

That defendant property is not subject to forfeiture and was does not represent moneys furnished or intended to be furnished to another person in exchange for a controlled substance, constituting proceeds from such an exchange, and was used or intended to be used to facilitate an offence in violation of Title 21, Unites States Code section 841(a) or any other section of the United States Code.

That defendant vehicle and motorcycle do not constitute proceeds of drug trafficking and are thus not subject to forfeiture.

Plaintiff's possession and control of respondent property was accomplished in violation of the laws of the United States and the State of California.

WHEREFORE, Claimant respectfully prays that the above named property not be forfeited to the United States of America;

That the defendant property be returned to the Claimant forthwith;

That the Court award Claimant reasonable costs and attorney fees;

That the Court grant such other and further relief that the court may deem just and proper.

Dated: August 26, 2008

Respectfully submitted,

/s/ Jesse J. Garcia
JESSE J. GARCIA
Attorney for Claimant
JOHN DENN

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	Case no. CV 08-3346 MEJ
Plaintiff,)	
)	
vs.)	CERTIFICATE OF
1. APPROXIMATELY \$17,872)	SERVICE
IN UNITED STATES CURRENCY;)	
)	
2. 2003 CHEVROLET CORVETTE Z 206,)	
VIN #19ZWS31AWR000879,)	
CALIFORNIA LICENSE #5AIE270;)	
)	
3. 1998 ULTRA CUSTOM)	
MOTORCYCLE,)	
VIN #19ZWS31AWR000879,)	
CALIFORNIA LICENSE #17B9838;)	
)	
4. 2005 HONDA CBR 1000)	
MOTORCYCLE,)	
VIN #JH2SC57185M100611,)	
CALIFORNIA LICENSE #17R3273;)	
)	

5. 2006 YAMAHA YZR R1)
MOTORCYCLE,)
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11. 2006 HONDA CBR 100RR)
MOTORCYCLE)
VIN #JH2SC57166M200952,)
LIC #18F7883.))
Defendants.)
)
<hr/> JOHN DENN,)
)
Claimant.)
<hr/>)

The undersigned hereby certifies that a copy of the foregoing:

ANSWER TO COMPLAINT

was mailed this date to the attorney for the plaintiff as follows:

U.S. Northern District
Attn: Susan B. Gray
450 Golden Avenue
San Francisco, CA 94102

Dated: 08/26/2008

/s/ Cruz Palomino
CRUZ PALOMINO, Legal Assistant